

EXHIBIT 6

CONFIDENTIAL

1 ** C O N F I D E N T I A L **
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 Case No. 5:20-cv-5146-LHK

6 -----x

7 PATRICK CALHOUN, ELAINE CRESPO,
8 HADIYAH JACKSON and CLAUDIA
9 KINDLER, on behalf of all
10 others similarly situated,
11 Plaintiffs,

12 - against -

13 GOOGLE LLC,
14 Defendant.

15 -----x

16 (Caption Continued)
17 November 24, 2021
18 9:06 a.m.

19 VOLUME II

20 Continued Videotaped Deposition of
21 ABDELKARIM MARDINI, taken by Plaintiffs,
22 pursuant to Notice, held via Zoom
23 videoconference, before Todd DeSimone, a
24 Registered Professional Reporter and Notary
25 Public of the States of New York and New
 Jersey.

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CONFIDENTIAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 Case No. 5:20-cv-03664-LHK
5 -----x
6 CHASOM BROWN, WILLIAM BYATT,
7 JEREMY DAVIS, CHRISTOPHER
8 CASTILLO and MONIQUE TRUJILLO,
9 individually and on behalf of all
10 others similarly situated,
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12 Plaintiffs,
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14 - against -
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16 ALSO PRESENT:

17 MATTHEW GUBIOTTI, Google LLC

18 MARC FRIEDMAN, Videographer

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1 document?

2 Q. Yes.

3 (Witness perusing document.)

4 A. Yes.

5 Q. Mr. Mardini, do you see the
6 second bullet point there states
7 "Sundar/Sin Rastro wants to expand the
8 incognito brand to other Google product and
9 to provide privacy towards Google (versus
10 only local privacy)"?

11 Do you see that?

12 A. Yes.

13 Q. If you know, did Mr. Pichai
14 want to expand the incognito brand to other
15 Google products?

16 MR. SCHAPIRO: Objection, calls
17 for speculation.

18 A. As I said, I have not met or
19 been on e-mail threads or videoconferences
20 with Mr. Pichai, but I do know that, you
21 know, via hearing about it from other
22 people that there was a desire to expand
23 our incognito brand to other Google apps.

24 Q. And based on your discussions
25 with others, was it your understanding that

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1 it was Mr. Pichai's desire to expand the
2 incognito brand to other Google apps?

3 MR. SCHAPIRO: Objection to the
4 form of the question, calls for
5 speculation.

6 A. No, I wouldn't say that this
7 was exclusively the case. I have been in
8 discussions with the PDPO team, the privacy
9 and data protection office at Google who
10 were interested in that, irrespective of
11 anything related to Mr. Pichai.

12 Also, I have been -- probably
13 some folks reached out to me from the
14 Google search app maybe or YouTube, I don't
15 remember, and wanted to learn a little bit
16 about how Chrome incognito works and what
17 are the promises that Chrome incognito
18 makes.

19 But users -- not users --
20 Googlers or employees in Google sometime
21 drop the name to get your attention. So
22 they would use that sometimes as a
23 technique to ensure that this request or
24 this request for meeting or this e-mail
25 gets the right level of attention or

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1 traction. So I would be very skeptical or
2 wary when someone sends me an e-mail saying
3 executive X wants this now, as a technique
4 to make me like maybe prioritize the
5 request.

6 Q. If you go on to the fourth
7 bullet, it states "Chrome is a Google
8 product. And Chrome is a browser."

9 Do you see that?

10 A. Yes.

11 Q. Do you agree with that?

12 A. Yes.

13 Q. And then the next bullet states
14 "We all agree that we want to expand
15 incognito mode to also offer some privacy
16 towards Google. But we need to align on
17 what level of privacy towards Google we can
18 and want to support."

19 Do you see that?

20 A. Yes.

21 Q. Do you have an understanding as
22 to what that means, "We all agree that we
23 want to expand incognito mode to also offer
24 some privacy towards Google"?

25 MR. SCHAPIRO: Objection, calls

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1 for speculation.

2 A. I did not write this specific
3 line or this specific bullet, so I cannot
4 assert what expanding of incognito mode to
5 offer some privacy toward Google would mean
6 exactly.

7 Q. Well, going back to the second
8 bullet where it says "and to provide
9 privacy towards Google (versus only local
10 privacy)," what understanding, if any, do
11 you have as to what that means?

12 MR. SCHAPIRO: Objection, calls
13 for speculation.

14 A. My understanding of this is
15 local privacy is what I mentioned about not
16 leaving any trace behind on the local
17 device. Privacy towards Google would imply
18 things like preventing you from logging in,
19 from signing in to a Google property if you
20 are in incognito mode.

21 Q. Would privacy towards Google
22 involve not logging/deleting logs from
23 Chrome incognito browsing?

24 MR. SCHAPIRO: Objection to the
25 form of the question.

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1 CERTIFICATION

2
3 I, TODD DeSIMONE, a Notary Public for
4 and within the State of New York, do hereby
5 certify:

6 That the witness whose testimony as
7 herein set forth, was duly sworn by me; and
8 that the within transcript is a true record
9 of the testimony given by said witness.

10 I further certify that I am not related
11 to any of the parties to this action by
12 blood or marriage, and that I am in no way
13 interested in the outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 1st day of December, 2021.

16
17 

18
19 TODD DESIMONE

20 * * *